

CAUSE NO. 18 DCR 0152

STATE OF TEXAS § **IN THE DISTRICT COURT**
 §
v. § **344TH DISTRICT COURT**
 §
ZENA STEPHENS § **CHAMBERS COUNTY, TEXAS**

RESPONSE TO BAFFLING GAG ORDER REQUEST BY TEXAS
ATTORNEY GENERAL AFTER TEXAS ATTORNEY GENERAL’S
PRESS RELEASE

COMES NOW, the defendant, **ZENA STEPHENSON** by and through her attorney and files this her response to the Texas Attorney General’s Motion Restraining Parties from Making Extra-Judicial Statements (“GAG ORDER”).

I. BACKGROUND

On April 26, 2018 at 5:42 p.m. the Chambers County grand jury indictment was filed in this case. On April 27, 2018 the Texas Attorney General published on his website under the news section a news release. *See Ex. A.* By 11:33 a.m. HoustonPublicMedia.org published the news release from the Texas Attorney General. The Attorney General simultaneously is seeking a restraining order arguing to the Court that “the defendant’s right to a fair trial is jeopardized by extrajudicial statements made by persons involved in this cause”. The motion goes on to say that “there exist a serious and imminent threat to the integrity of the administration of justice as a result of such extrajudicial statements.....”. The irony and baffling

part of the motion is why the attorney general engaged in conduct that jeopardizes Sherriff Stephenson's right to a fair trial.

II. LEGAL APPLICATION

The attorney general's vague motion for a gag order must fail because the motion itself fails to establish a legal or factual basis for a gag order. It is well settled that a prior restraint on expression is presumptively unconstitutional. In *Davenport v. Garcia*, 834 S.W.2d 4 (Tex. 1992) (orig. proceeding), the Supreme Court held that the gag order in that case was an unconstitutional prior restraint on the "free expression" guarantee of article I, section 8 of the Texas Constitution. *Id at 5*. The Court specifically advised that "We build on our prior decisions by affirming that a prior restraint on expression is presumptively unconstitutional". *Id*. The motion filed by the attorney general is wholly insufficient to overcome the presumption that the relief sought is unconstitutional. Therefore, the motion for an order restraining the parties from making extra judicial statements should be **DENIED**.

WHEREFORE, the defendant prays that this Court **DENY** the motion filed by the Texas Attorney General seeking to restrain the parties from making extra-judicial statements.

Respectfully submitted,

Russell Wilson II
Law Office of Russell Wilson II
SBN 00794870
1910 Pacific Ave #15100
Dallas, Texas 75201
(469)573-0211

By: /S/RUSSELLWILSON II
Russell Wilson II
State Bar No. 00794870
Attorney for ZENA STEPHENS

Chad W. Dunn
Brazil & Dunn LLP
4201 Cypress Creek Pkwy, #530
Houston, TX 77068
Phone: (281) 580-6310
Fax: (281) 580-6362

By: /S/CHAD DUNN
Chad Dunn
State Bar No. 24036507
Attorney for ZENA STEPHENS

CERTIFICATE OF SERVICE

This is to certify that on June 4, 2018, a true and correct copy of the above and foregoing document was served on the Texas Attorney General's Office via e-file or via certified mail.

/s/Russell Wilson II
Russell Wilson II

THE ATTORNEY GENERAL OF TEXAS

Ken Paxton

AG Paxton Announces Grand Jury Indictments of Three Candidates from 2016 Jefferson County Sheriff's Race for Accepting Illegal Campaign Contributions

Friday, April 27, 2018 – Austin

Attorney General Ken Paxton today announced that a grand jury issued indictments against three candidates from the 2016 Jefferson County Sheriff's race for criminal violations for fraud related to campaign contributions in the primary or general election.

A grand jury in Chambers County indicted 52-year-old Zena Collins Stephens on one count of tampering with a government record, a state jail felony, and two counts of accepting cash contributions exceeding \$100, class A misdemeanors. Stephens was elected sheriff of Jefferson County in November 2016.

The grand jury also indicted 67-year-old Ray Elliott Beck on one count of accepting a cash contribution exceeding \$100 and one count of failure to return a political contribution, both class A misdemeanors.

In addition, 59-year-old Joseph Sterling Stevenson was indicted on one count of accepting a cash contribution exceeding \$100, a class A misdemeanor.

"Our election laws were established to protect the right of Texans to govern themselves through their elected representatives and to ensure fair and transparent elections, and it is the responsibility of the attorney general to enforce those protections," Attorney General Paxton said. "No one is above the law. The conduct of the people indicted by the grand jury is illegal and erodes the public trust. Working with local and state law enforcement, my office intends to hold them accountable."

The Texas Rangers and Attorney General Paxton's office, with the cooperation and assistance of the Chambers County District Attorney's Office, are working together on the investigation and prosecution of all the charges. The case initially came to the attention of state law enforcement officials when the offenses were discovered during an unrelated federal investigation and forwarded to the Texas Rangers for further investigation.

View the indictments here: <https://bit.ly/2r3rgC2>

Related News

[AG Paxton Preserves Academic Records for Texans Who Attended ITT Technical Institute](#)

[AG Paxton Reaches \\$15.2 Million Settlement with Fraudulent Medicaid Providers](#)

[AG Paxton's Office Continues Investigation of Illegal Voting Scheme Tied to City of Edinburg's 2017 Election](#)

[AG Paxton Leads 10-State Brief Supporting Legislative Immunity in Arkansas Supreme Court Case](#)

[AG Paxton Asks 5th Circuit for Emergency Stay of Lower Court's Voter Registration Ruling](#)

Get Updates

Sign up here and get the latest news and updates from the Texas Attorney General sent directly to your inbox.

[ADDITIONAL LINKS](#)

[ACCESSIBILITY & PRIVACY](#)

[REPORT FRAUD](#)

[SITE POLICY](#)

[DATA SETS](#)

[SITE INDEX](#)

[CONTRACTS](#)

[CAREERS](#)

[TEXAS VETERANS PORTAL](#)